

IN THE UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH, DIVISION

FILED
U.S. DIST. COURT
SAVANNAH DIV.

2001 MAY 18 PM 11:17

BLT

UNITED STATES OF AMERICA,
Plaintiff

-VS-

KEITH G. COLEMAN,
Defendant

CASE NO: CV-400-054
CR-497-181-01

MOTION TO AMEND EXHIBITS
IN SUPPORT OF
INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM

Comes now the Petitioner/Movant Keith G. Coleman pro se and informa pauperis in the above entitled action, requesting this Honorable Court grant leave to file " Exhibits " in support of his claim of ineffective assistance of counsel, pursuant to Fed. Rules of Civil Proc. 15(a). And further prays this Honorable court construe legal analysis liberally, Haines v. Kerner, 404 U.S. 519

Petitioner previously filed an ineffective assistance of counsel claim in this district court, see (Title 28 U.S.C. 2255) alleging that his attorney, (Joyce M. Griggs) performance fell extremely below the constitutional command accorded in the U.S. Const. Sixth Amendment. (right to counsel). A standard that is bolstered in numerous Supreme Court case-law, more specifically Strickland v. Washington, 466 U.S. 665, 668 (1984), and United States v. Cronin, 466 U.S. 648 (1984). Relative to this issue, Petitioner's claim is now pending in this Federal Court, under Fed. Rule Crim. Proc. 59(e).

Stripped to the essentials, Petitioner contends the exact allegations made against counsel for the accused in the instant case is now pending against counsel by this Federal Court. In sum, this court alleges that counsel (Attorney Joyce M. Griggs) has a history of consistent failure to competently represent her client in court.

And further alleges that counsel Griggs consistently fails to keep her client informed on the issues in a case. Most importantly this Honorable Court's own "sure-footed" concessions of counsel Griggs consistent incompetence "bedrocks" Petitioner's claims against counsel.

Surely, it is indisputable that Petitioner's claims of counsel Griggs failure to be an effective advocate for the accuse, are germane to the allegation made against counsel by this court, as a matter-of-fact, the allegations are quite identical.

For example;

- (1) Counsel's failure to competently represent the client in court, and research the law concerning the charges of which the client

stands convicted.

- (2) Counsel Griggs failed to keep the Petitioner informed concerning issues she anticipated raising in the Appellate Court.
- (3) Counsel refused contact with the accused client during the pending criminal proceedings, and similarly refused to communicate with the accused client's family members..
- (4) Counsel Griggs likewise refuse to respond to the accused client letters, telephone calls, or any other attempt to communicate with her, during the pending criminal proceedings.
- (5) Counsel Griggs refused to address any inquiries by the client concerning the issues of the case, of which the accused stands convicted.
- (6) Counsel failed to review or even ask the defendant whether or not he read the P.S.I. see Fed. Rule of Civil Proc. 32
- (7) Counsel was timely informed by the accused to recuse herself from the case, but adamantly refused to do so, irrespective of the client's demand, and inquiry by the 11th Circuit Court of Appeals.
- (8) Subsequent to ignoring the client's demand of counsel's recusal, counsel filed an erroneous appeal brief to the 11th Circuit Court of Appeals.

Relative To The Legal Issues of Counsel Appeal Brief.

Counsel vigorously purported in the bulk of the her brief for the accused, that the Petitioner could not legally be convicted of Title 21 crimes, because this section of the title has no force of the constitution, thus no force of law. And Title 18 U.S.C. 2, could only

pertain to Bank employees, see(Appellate Brief ppg. 10 and 18, also see attached exhibits). Surely, counsel's rationale in this area of law cannot amount to trial strategy. But factually represents counsel's lack of any reasonable understanding in the area of Federal statutes, and evidence her inability to adequately research the law and competently represent the client, as an effective active advocate. Hence, a total collapse in the adversarial process. Cronic supra.

In addition, counsel further erroneously argued that because fictitious cocaine was used in the government's scenarios, the Base Offense Level must be zero. This argument was in error in view of the fact, that a Base Offense Level of zero, as counsel so adamantly purports, does not exist. In effect, there is no authority that support counsel's theory. Strickland supra.(claim that counsel made poor strategic choices regarding what to argue at a sentencing hearing) Id. at 669. See also Cronic supra.(claim that young lawyer was incompetent to defend complex criminal case), Id at 649-650. Penson v. Ohio, 488 U.S. 75(1988)(claim that counsel did not represent defendant on appeal).

Counsel raised these issues totally against the will of the defendant. Importantly, the ABA Standard for Criminal Justice, Defense Function 4-8.2(a)(3rd ed. 1993) makes clear, trial counsel " should give the defendant his or her professional judgment as to whether there are meritorious grounds for appeal and as to the probable results of an appeal " Id.,4-8.2 Commentary. Counsel has a duty to discuss the defendant's matters to be considered. In fact trial counsel should always consult promptly with the defendant, after making a careful appraisal of the prospects of an

appeal, ABA Standard for Criminal Justice 21-3.2(b)(i), see also ABA Model Code of Professional Responsibility.

Nonetheless, counsel Griggs failed to consult with the accused regarding the appeal process, and issues she anticipated raising, and showed no interest in the case, or regard for what was at stake. Surely, the Petitioner's claims against counsel is on point with this district court claims against counsel now pending. As this court has stated, (quoting the court;

" Counsel's conduct has been injurious to parties in the case and " recklessly " expended this court's time and resources."

Without question, the Federal Judges in this District Court recognizes counsel's consistent incompetency in representing her clients. Thus, there is nothing novel about this claim against Attorney Griggs, certainly counsel did not veer from her history of inadequacy in Petitioner criminal case.

In no " uncertain terms " counsel's incompetent representation in the case at bar bolsters the facts of this courts findings of Attorney Griggs history of disregarding the interest of the client, and what at stake in a particular case. Consequently, it was the deprivation of the client's liberty in the instant case, see United States v. Ash, 413 U.S. 300(1973). Indeed, it is only through counsel that an accused secures this right, Kimmelman v. Morrison, 477 U.S. 356(1986). Thus, the right to effective assistance of counsel is a fundamental right, a guarantee concentered in the U.S. Constitution Sixth Amendment, bolstered in Cuyler v. Sullivan 466 U.S. 344. Nonetheless, the Petitioner has been denied this

constitutional right. Seemingly, considering the profile of the criminal case of which counsel represented the accused, its complexity and the possibility of the severe penalties of which the accused client would face if convicted, counsel would have been more diligent. Ironically, counsel treated the case as trivial.

In so doing, counsel neglected to secure the accused's rights and ensure the trial was fundamentally fair. Most importantly, counsel committed numerous serious constitutional errors, in Pre-trial, Trial, Sentencing Court and Appellate Review, see motion under Fed. Rule of Civil Proc. 59(e). And violated the Ethics Policy of the ABA.

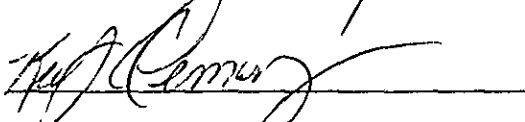
Finally, this district court should overwhelmingly find counsel Griggs conduct in the instant case, consistent with the factual claims now pending by this Honorable court against Attorney Griggs and grant the relief the Petitioner is requesting.

PENALTY OF PERJURY

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury the foregoing is true and accurate to the best of my knowledge and hereby declares to witness to the same in my behalf.

Sworn to before me this;

9th day of May, 2001



Keith G. Coleman 09587-021

P.O. Box 26030

Beaumont, Texas 77720-6030

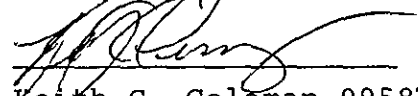
Relief Sought

Wherefore Petitioner prays this Honorable court grant relief in the following; (1) Dismiss indictment as a matter of law or (2) Vacate conviction and grant new trial, or Order evidentiary hearing on the issue, or any other relief this court deems appropriate.

9th May 2001

Date

Respectfully Submitted



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Coastal Empire

Savannah Morning News
www.savannahnews.com

Savannah lawyer faces disciplinary action

Joyce Marie Griggs must defend her right to practice in federal court.

By Jan Skutch
Savannah Morning News

A Savannah lawyer who ran a spirited race against U.S. Rep. Jack Kingston in November now faces a stiffer hurdle

In an order describing her conduct as vexatious, troublesome and reckless, four federal judges have called Savannah attorney Joyce Marie Griggs on the carpet, threatening to end her practice before them.

Griggs, 49 and a lawyer for nine years, must appear in U.S. District

Court May 9 to show why she should not be disbarred, suspended or otherwise disciplined by the federal judges.

Signing the order were Southern District of Georgia Chief Judge Dudley H. Bowen Jr., for himself and for Judge B. Avant Edenfield, who was unavailable for signature, and judges Anthony A. Alamo and William T. Moore Jr.

"At this point, I don't have any comment," Griggs said Friday afternoon. She offered to turn the matter over to her lawyer for comment, but did not name her lawyer.

Citing one case in which the judges said Griggs did not timely file an action, then falsely insisted the case had been timely filed, the judges said

her conduct has been injurious to parties in the case and "recklessly expended this court's time and resources."

It was not a first-time occurrence, the judges said.

"Her conduct in (the case) is consistent with her conduct before the court on numerous other occasions," the judges stated. "She has a history of failures to meet deadlines, tardiness, failure to keep her clients informed and a general disregard for the rules and the functioning of the court."

"Of key concern, too, is her apparent disregard for the judicial system as a whole, and consequently, for the interests of her clients and former clients."

Violations cited occurred in both

district and bankruptcy courts.

Bankruptcy judges have reported that Griggs has failed to appear for hearings and has failed to respond to motions, the order states.

In April 2000, facing a contempt hearing based on that type of conduct, Griggs told Bankruptcy Judge Lamar Davis Jr., she would have another attorney take over her pending cases in his court and would not file another case there, the order said.

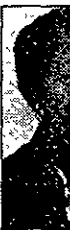
"Despite this representation, Ms. Griggs has not only filed new cases in Bankruptcy Court, but she has reportedly failed to appear" in initial trustee hearings in cases, the order said.

For her hearing, Griggs will be

see GRIGGS, page 3E

WHAT HAPPENED

Savannah attorney Joyce Marie Griggs has been ordered to appear May 9 in U.S. District Court to show why she should not be removed, suspended or otherwise disciplined for misconduct in her practice.



Griggs

INSIDE

District judges reasons for disciplinary action
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Griggs

Continued from page 1E

allowed to hire a lawyer, testify, call witnesses and present evidence. Assistant U.S. attorneys Joseph Newman and Cameron Ippolito will represent the government.

Griggs, a graduate of the John Marshall Law School, is in good standing with the State Bar of Georgia.

Only the Georgia Supreme Court can remove a lawyer from practice in a state court—superior, state or similar forum.

In federal court, however, judges have wide discretion on handling of their courts. Should the district judges remove Griggs, she would be barred from practicing in district court in the 43-county circuit.

She also would be barred from practicing in Bankruptcy Court, an arm of district court.

Last year, Griggs took her first shot at political office, running as a Democrat against four-term incum-

FROM THE COVER

THE DISTRICT JUDGES STATED 10 REASONS FOR DISCIPLINARY ACTION:

- Failure to comply with sanctions in a civil case ordered Oct. 27.
- Failure to comply with a court order to show cause why not be held in contempt of court for failing to comply in the same case.
- Failure to comply with a court order of Sept. 23, 1998 to a debtor in a bankruptcy case.
- Failure to keep her client in the same case, a bankrupt, informed on issues in his case and failure to convert directed by the court Oct. 4, 1998.
- Failure to contact another lawyer seeking his consent to a continuance, while telling the court he had consented.
- Failure to keep her client informed on the issues in his case.
- Consistent failure to meet court deadlines.
- Consistent failure to competently represent her client in the court.
- Consistent failure to respond to motions seeking evidence before the court.
- Consistent failure to attend scheduled meetings and court.

bent Republican Jack Kingston. She defeated fellow Democrat Don Smart in the primary, then lost to Kingston in the General Election.

Senior reporter Ja be reached at 652-jskutch@savanna

57. Section 17b further shows that Congress recognized that one who is not a bank officer or employee cannot be a principal [offender] and that persons who are not bank officers or employees cannot be prosecuted as principals under Section 2 of Title 18.

58. The Accused is not a federal officer or employee and is not a bank officers or employees cannot be prosecuted as principals under Section 2 of Title 18.

59. Lastly, Section 2 is merely an amendment to the codification of Title 18, not an enactment of a valid law, and is only presumed to be law until rebutted as the Accused sets forth infra.

VI.
Title 21 U.S.C. §846

60. This section of the Code is merely a section of the Code which provides for a penalty for the violation of any other section of the Code under the same subchapter under which Section 846 is also included. 21 U.S.C. §846.

61. Nevertheless, the Accused has been charged with the violation of Section 846 in Title 21 under Count One, Two, Four, Five, Six, and Seven of the Indictment.

62. Because Section 846 is only a section which provides for a penalty for violation of other sections of the same subchapter, there can be no violation of such a section of the Code for which the Accused can be prosecuted.

VII.
21 U.S.C. §841

63. This is the only section cited in the Indictment with which the Accused has been charged with a violation of the Code.

64. Specifically, the Accused is charged with violations of 21 U.S.C. §841 (a)(1) under Counts One, Two, Four, and Five of the Indictment.

108. The Counsel and all of its progeny have changed, revised, and otherwise perverted valid constitutional law properly enacted by lawful legislation and foisted it upon citizens in the form of codes and regulations made to appear as valid law when, all along, they knew that they never created valid law.

109. For valid law to exist, there must be a relationship between the creator of the law and those subject to the law created such as:

i. The Holy Bible which is a book of Law created by Almighty Yahweh and made specifically for His people to obey;

ii. The Constitution of the United States which is law created by the Sovereign People of the several states and made specifically for the federal government to obey;

iii. A Statute at Large enacted by the Congress of the United States which is law created by the duly elected representatives of the People and made specifically for the represented citizenry to obey;

iv. A regulation or rule which is enacted by a private company is an [administrative] law created by that company and made specifically for its employees to obey.

110. Unlike all of the foregoing examples of valid law, the United States Code is merely a code of law created by a body of non-elected men who have no relationship whatsoever with the People who are presumed to have to obey it.

111. The creation and application of the United States code of laws as law operating upon the citizens is positively unconstitutional and a complete corruption of valid law as valid law has been known from time immemorial.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY, that I have this day, caused to be mailed, a true and exact copy of the foregoing document via: ☐ Facsimile Transmission, ☐ Hand Delivery ; ☒ First Class Mail with adequate thereon to ensure proper delivery to the following persons(s).

Carlton Bourne, A.U.S.A., 100 Bull Street, Savannah, GA 31401.

DATED, this the 18th day of December, 1998.



Joyce M. Griggs, Attorney at Law

2875 Highway 80
Savannah, GA 31408
(912) 964-1115

CERTIFICATE OF SERVICE

I, KEITH G. COLEMAN, hereby certify that I have served a true and correct copy of the following: MOTION TO AMEND EXHIBITS UNDER RULE 59(e)
PENDING ALLEGATION OF INEFFECTIVE ASSISTANCE
OF COUNSEL.(ATTORNEY JOYCE M. GRIGGS)

which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston v. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope

addressed to: (3) Copies

Clerk of Court


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH, DIVISION
P.O. BOX 8286
SAVANNAH, GEORGIA 31412

(1) Copy

U.S. DEPT. OF JUSTICE
U.S. ATTORNEY'S OFC.
SOUTHERN DISTRICT OF GA.
SAVANNAH, DIVISION
P.O. BOX 8999
SAVANNAH, GEORGIA 31412

and deposited same in the United States Postal Mail at the United States Penitentiary,

Beaumont, Texas, on this 9th day of MAY 2001.



KEITH G. COLEMAN 09587-021
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P.O. Box 26030
Beaumont, Texas 77720-6030